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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/722,170

11/25/2003

Jean M. Goldschmidt Iki

42P4495CD

7014

7590 05/18/2007  
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EXAMINER

RETTA, YEHDEGA

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

05/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/722,170	<b>Applicant(s)</b> GOLDSCHMIDT IKI ET AL.	
	<b>Examiner</b> Yehdega Retta	<b>Art Unit</b> 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 3-7, 9, 11-15, 17-20, 22-26, 28, 29, 31-36, 38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 9, 11-15, 17-20, 22-26, 28-29, 31-36, 38 and 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This office action is in response to amendment filed March 13, 2007. Applicant amended claims 1, 15, 26 and canceled claims 2, 8, 10, 16, 21, 27, 30 and 37. Claims 1, 3-7, 9, 11-15, 17-20, 22-26, 28-29, 31-36, 38 and 39 are currently pending.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-7, 9, 11-15, 17-20, 22-26, 28, 29, 31-36, 38 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Daly et al. (US 5,878,141).

Regarding claims 1, 3, 4, 12, 15, 17, 18 and 26, 28, 29, Daly teaches sending transactional information *about a product or service that is for sale* to consumer (see fig. 6); receiving transaction request about product or services from a consumer, *the transaction request including a transaction identifier* (col. 4 line 60 to col. 5 line 20); verifying the consumer against a database; verifying the business with the respect of the transaction *against the second library by comparing the transaction identifier to a list of transaction identifiers in the second library* (see col. 5 line 45 to col. 6 line 67); *verifying information for use in a second library of business information by at least checking the history of the business and checking whether any complaints have been filed against the business*. Days discloses; “The head end server portion of purchasing system 74 indexes the list of merchants kept in merchant database 83 to retrieve the set of

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accepted payment methods and account information that corresponds to the merchant identified in the purchase request (step 214). The list of subscribers in subscriber database 81 is also indexed to retrieve the set of personal payment methods, spending limits, self-imposed purchase allowances, account balances, and any other financial information that corresponds to the subscriber identified in the purchase request (step 216). It is noted that the ability to index these databases and pull up real registered parties helps ensure that the transaction involves registered, legitimate, identifiable parties, and is not a fraudulent transaction". (see col. 12 lines 12-28). Days teaches sending the verified transaction to a server system (interface of the server0 of the business with respect to which the transaction request has been received (see col. 10 line 26 to col. 11 line 6, col. 12 line 12 to col. 13 line 57); wherein the transaction data is send with a broadcast data using at least one of cable broadcast, satellite broadcast etc. (see, col. 6 lines 36-67, col. 9 lines 8-63).

Regarding claim 5, Daly teaches receiving a transaction request over an insecure Internet connection (see col. 6 lines 56-67).

Regarding claim 6, 7, 9, 11, 19, 20, 22, 23, 31-33, 36 and 38, Daly teaches receiving identification of the consumer, identification of the business, identification of the product; identifying the transactional information to which the transaction request is directed; database including credit information of the consumer; verifying the business (see col. 7 lines 1-25, col. 8 lines 62-67, col. 10 line 60 to col. 12 line 28).

Regarding claims 13, 14, 24, 25 and 39, Daly teaches sending the verified request using an encryption (see col. 14 line 10 to col. 16 line 46); sending the verified transaction request using telephone connection (see col. 6 lines 37-67, col. 8 line 62 to col. 9 line 39).

Regarding claims 34 and 35, Days teach a transaction processor including the libraries (see fig., col. 5 lines 47-60).

### ***Response to Arguments***

Applicant's arguments filed March 12, 2007 have been fully considered but they are not persuasive. Applicant asserts that the features provide significant benefits to consumers by checking the businesses and argues that in Daly, the system only checks the consumer. Applicant further states that these features also allow a system to be open to a larger number of businesses to participate. Examiner respectfully disagrees. Daly teaches checking to different database, one for checking the consumer and one for checking the merchants. Daly anticipates the ability to index these databases and pull up real registered parties helps ensure that the transaction involves registered, legitimate, identifiable parties, and is not a fraudulent transaction. Daly therefore, teaches checking the history of the business that is registered, the history being that the business is legitimate. Applicant does not disclose the type of information included in applicant's database that would indicate that the business is not legitimate. Days also teaches that the subscriber database and merchant database are formed over time as new viewers subscribe to the system and more merchants participate therefore Days anticipates that the system to open to a large number of businesses to participate.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**


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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
RETTA YEHDEGA  
PRIMARY EXAMINER